



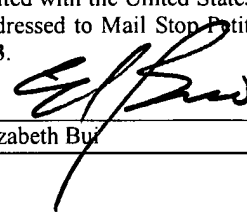
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: University of Dundee Examiner: Stephen L. Rawlings,  
Ph.D.  
Serial No. 09/581,651 Group Art Unit: 1642  
Filed: 10 October 2000 Docket No. 350013-72  
Title: POLYPEPTIDES, POLYNUCLEOTIDES AND USES THEREOF

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to Mail Stop Petition, P.O. Box 1450, Commissioner for Patents, Alexandria, VA 22313-1450 on November 3, 2003.

  
Elizabeth Burr

Mail Stop Petition  
P.O. Box 1450  
Commissioner for Patents  
Alexandria, VA 22313-1450

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DECLARATION OF PHILIP WHEELER

I, PHILIP WHEELER, hereby declare as follows:

1. I am a Docketing Specialist for Oppenheimer, Wolff and Donnelly LLP. Oppenheimer, Wolff and Donnelly LLP, whom represents the Applicant in the above identified patent application.

2. My duties as a Docketing Specialist include: (1) Maintain dockets for all Minneapolis and Santa Monica offices in patent and trademark matters; (2) Review all incoming correspondence from the U.S.P.T.O. and foreign associates to determine docket action items and flag important information to the appropriate attorney; (3) Run monthly docketing reports for patents and trademarks and distribute to appropriate secretaries and attorneys; (4) Review docketed actions due for each attorney with their secretary on a weekly basis; and (5) Monitor

the accuracy of the patent and trademark properties issued by the U.S.P.T.O. and take corrective action where necessary.

3. Typically, our normal docketing procedure is to record receipt of correspondence from the U.S.P.T.O. and then route the recorded information to all responsible attorneys and their secretaries. In this case, had we received the Office Action dated January 14, 2003, we would have recorded the information, and subsequently we would have routed the information to Guy P. Smith, Esq., and his secretary Ms. Charlotte Jensen. Also, the shortened one-month statutory period for reply as well as any extensions of time permissible would appear on the docket or patent record sheet. For example, in reference to the above-identified patent application, the Patent Record Sheet (Exhibit A) shows that the last correspondence from the U.S.P.T.O. was recorded on May 28, 2002 (see highlighted region on page 2 of Exhibit A). The correspondence was a restriction requirement mailed on May 22, 2002 from the U.S.P.T.O. This correspondence was then forwarded to Mr. Guy P. Smith (please refer to the top right hand section of the first page of Exhibit A).

4. Further, the Patent Record Sheet (Exhibit A) for the above-identified patent application shows that the last entry on the sheet was August 19, 2002, whereby a response to the above identified office action along with extensions of time was filed. There is no other entry after August 19, 2002, either from the U.S.P.T.O. or from our office. Thus, our office never received the non-final Office Action dated January 14, 2003. Therefore, to the best of my knowledge we were unaware of the time period for responding, and unavoidably abandoned the above-identified patent application.

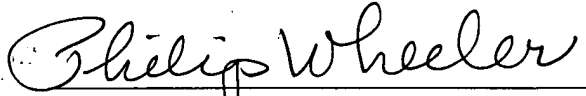
5. In conclusion, based on my expertise and experience, the above-mentioned communication from the U.S.P.T.O. was never received by our firm and thus never recorded. Therefore, absent a record of receipt of the aforementioned non-final Office Action, the filing of a response to the U.S.P.T.O. in a timely manner was unavoidable. Stated another way, we unavoidably abandoned the above-identified patent application because we did not know of its existence.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent application issuing thereon.

Respectfully submitted,

A handwritten signature in cursive script that reads "Philip Wheeler". The signature is written in dark ink and is positioned above a horizontal line.

Philip Wheeler

**OPPENHEIMER, WOLFF & DONNELLY LLP**

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# Patent Record Sheet

Docket ID 350013-000072/US

Alternative Docket IDs

Applicant/Patentees

Cost Centres

Inventors SCHOR SETH LAWRENCE

Country United States of America

Short Title POLYPEPTIDES, POLYNUCLEOTIDES  
AND USES THEREOF

Convention Priority

Origin

Type Patent

Sub Type Non-provisional application

Status Pending

Sub Status

Other Party

File Reference

Client/Business Units ERIC POTTER &amp; CLARKSON

Attorneys Smith Guy

Department Los Angeles

Prosecuting/Admin Agent

Representative Agent

Tax Receiver / Patent Office

Application No 09/581,651

Application Date Jun-15-2000

Grant No

Grant Date

Independent Claims

Number of Dependent Claims

Number of Multiple Dependent Claims

Licence of Right

Small Entity

File Status

Annuity Instructions

Claimed Priorities &amp; Parent Records

Long Title

Abstract Summary

Memo

8/19/2002: RESP TO OA W/ EXT AND POA FILED 8/15/02  
 3/28/2002: RESP TO NOTICE TO COMPLY/SUBMISSION OF SEQUENCE LISTING MAILED 3/27/02  
 3/19/2002: IDS MAILED 3/18/02  
 2/19/2002: NOTICE TO COMPLY MAILED 12/6/01 (NOT REC'D IN OFFICE UNTIL TODAY)  
 8/1/2001: POSTCARD RE RESP TO OFFICE ACTION MAILED 7/23/01 RECD  
 7/16/2001: PTO DTD 6/21-OFFICE COMMUNICATION NOTICE TO COMPLY (A TRANSFERRED APPL)  
 12/18/00: NOTICE OF RECORDATION OF ASSIGNMENT DTD 12/13/00 (GPS)

Action: AMENDMENT(P 30 DAYS): Due Date: 07/21/2001 Done Date: 07/23/2001

Remarks: EXAMINER'S NOTICE TO COMPLY RELATES TO:  
 APPL FAILS TO COMPLY WITH REQS 37 CFR 1.821-1.825; APPL DOES NOT CONTAIN SEQUENCE  
 LISTING; COPY OF THE SEQUENCE LISTING IN COMPUTER READABLE FORM; APPLICANT MUST  
 PROVIDE: INITIAL OR SUB-COMPUTER-READABLE FORM COPY

International Classes

National Classes

Keywords

Utilisations

Technology Areas

Prior Art

Literature

Patents/Inventions

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# Patent Record Sheet

## Related Cases

### Diary

Docketed	Action / Event Notes	Recorded No	Reminder	Due	Done/Record	Resp Party
Dec-15-2001	Application Date	09/581,651			Jun-15-2000	
May-28-2002	Restriction Requirement Mailing Date				May-22-2002	
Oct-02-2002	Notice Re Power of Attorney Recd				Sep-19-2002	
Sep-20-2000	MISSING REQUIREMENTS-MISSING REQUIREMENTS			Aug-10-2000	Sep-20-2000	
Feb-28-2002	Postcard Rec'd?			Aug-15-2000	Aug-15-2000	
Feb-28-2002	IDS (Inf.Disc.Stmt.) deadline			Sep-15-2000	Sep-15-2000	
Sep-20-2000	IDS			Sep-15-2000	Sep-20-2000	
	Old Action: IDS DUE-Information Disclosure Stmt Due					
Sep-20-2000	MISSING REQUIREMENTS-MISSING REQUIREMENTS DUE-EXT2			Oct-10-2000	Oct-10-2000	
Feb-28-2002	Filing Receipt Rec'd			Oct-15-2000	Oct-15-2000	
Sep-20-2000	IDS			Oct-15-2000	Oct-15-2000	
	Old Action: IDS DUE-IDS DUE-EXT					
Feb-28-2002	Foreign Filing Rem-3mo			Jan-15-2001	Jan-15-2001	
Dec-21-2000	Status Check			Mar-13-2001	Jul-19-2001	
	Old Action: STATUS CHECK-STATUS CHECK					
Feb-28-2002	Foreign Filing Rem-1mo			Apr-15-2001	Apr-15-2001	
Feb-28-2002	Foreign Filing Deadline			Jun-15-2001	Jun-15-2001	
Dec-21-2000	Status Check			Dec-15-2001	Dec-21-2000	
	Old Action: Application Status Check-Application Status Check					
Feb-28-2002	18 Month Status Check			Dec-15-2001	Dec-15-2001	
Feb-28-2002	Response to Notice to Comply Due			Jan-06-2002	Jan-06-2002	
Feb-28-2002	Int'l Search Report-IDS			Jan-15-2002	Jan-15-2002	
Aug-08-2001	Status Check			Jan-23-2002	Jan-23-2002	
	Old Action: STATUS CHECK-STATUS CHECK					
Feb-28-2002	Response to Notice to Comply Due - 1 Ext.			Feb-06-2002	Feb-06-2002	
Feb-28-2002	Response to Notice to Comply Due - 2 Ext.			Mar-06-2002	Mar-06-2002	
Mar-05-2002	Response to Notice to Comply Due - 3rd Ext			Apr-06-2002	Mar-27-2002	
Feb-28-2002	Resp to Restriction Req			Jun-22-2002	Jun-21-2002	
Jul-19-2001	Resp-Restriction Req-Ext. 1			Jul-22-2002	Aug-19-2002	
Jul-19-2001	Resp-Restriction Req-Ext. 2			Aug-22-2002	Aug-19-2002	
Jul-19-2001	Resp-Restriction Req-Ext. 3			Sep-22-2002	Aug-19-2002	
Jul-19-2001	Resp-Restriction Req-Ext. 4			Oct-22-2002	Aug-19-2002	
Feb-28-2002	Resp-Restriction Req-Ext. 5			Nov-22-2002	Aug-19-2002	
Aug-19-2002	Status Check			Feb-15-2003		

Date created Sep-20-2000

Created by john

Date Amended Oct-02-2002

Updated by RA06